



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JLP:ddj
Docket No: 3064-00
15 August 2000

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 August 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 1780 PERS 604 of 23 June 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1780
PERS-604

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO [REDACTED]

Ref: (a) CNPC memo 5420 PERS-00ZCB of 12 Jun 00
(b) Title 38, United States Code, Chapter 30
(c) Public Law 106-117 - Veterans Millennium Health Care and Benefits Act

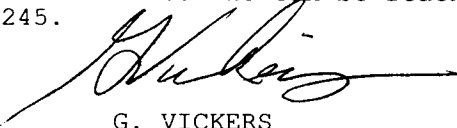
1. The following is provided in response to reference (a):

a. Recommend denial of [REDACTED] request to enroll in the Montgomery GI Bill (MGIB) Program. A review of his master microfiche record indicates [REDACTED] signed the Statement of Understanding on his MGIB Program Enrollment/Disenrollment Form (DD Form 2366) on 22 June 1990, acknowledging he was eligible for enrollment, but elected to disenroll and signed the Statement of Disenrollment. Per reference (b), the decision to disenroll is irrevocable.

[REDACTED] states while he was at Officer Candidate School (OCS), Pensacola, Florida, he was told he was not eligible for the MGIB Program. Without a statement from the briefing official, miscounseling cannot be documented. If [REDACTED] can provide documentation from the briefing official where the alleged miscounseling occurred stating he provided incorrect information during his brief, a more favorable recommendation could be given.

[REDACTED] so cites reference (c) in support of his allegation of [REDACTED] miscounseling. The provision of reference (c) regarding the MGIB Program concerns periods of service to establish eligibility to MGIB Program "benefits" not eligibility for "enrollment." [REDACTED] was eligible to enroll in the program; however, he elected to decline. Per reference (c), if [REDACTED] had elected enrollment in the MGIB Program, his active duty service at OCS and after his commissioning would have been considered continuous service and counted as required time to receive MGIB Program benefits. Reference (c) does not pertain to LT Edwards' case.

2. PERS-604's point of contact is MM1 Jones who can be reached at (DSN) 882-4245 or (C) 901-874-4245.


G. VICKERS
Commander, U.S. Navy
Deputy Director, Navy Drug & Alcohol,
Fitness, Education, &
Partnerships Division (PERS-60)
Acting

VETERANS' EDUCATIONAL ASSISTANCE ACT OF 1984 (GI BILL)

(Chapter 30, Title 38, U.S. Code)

Privacy Act Statement

AUTHORITY: Chapter 30, Title 38, U.S. Code, Sections 1411 and 1412.

PRINCIPAL PURPOSE: To establish eligibility to participate in the Veterans' Educational Assistance Act of 1984 (GI Bill of 1984.)

ROUTINE USES: Information will be used as a source document indicating participation status of each service member in the GI Bill of 1984 Educational Benefits Program.

DISCLOSURE: Disclosure of your social security number and other personal information is voluntary. However, this form CANNOT be processed if requested information is not provided.

1. SERVICE MEMBER

a. NAME [REDACTED] b. SOCIAL SECURITY NUMBER (SSN) [REDACTED]

2. STATEMENT OF UNDERSTANDING

- a. I am eligible for the GI Bill of 1984 and I am automatically enrolled.
- b. I have the option to disenroll. (See paragraph 4)
- c. If I disenroll, I must do so within two weeks of initial entry on active duty.
- d. I am not eligible for Chapter 32, Title 38 U.S.C., Veterans' Educational Assistance Program (VEAP) nor for Chapter 34, Title 38 U.S.C., Vietnam - Era GI Bill.
- e. I understand that if I am a Service academy or ROTC scholarship graduate, I am NOT ELIGIBLE for the GI Bill of 1984.

f. SERVICE MEMBER

(1) TYPED OR PRINTED NAME (Last, First, Middle Initial) E. [REDACTED]	(2) RANK/GRADE ENS	(3) SIGNATURE [REDACTED]	(4) DATE SIGNED 90 JUN 22
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g. WITNESSING OFFICIAL

(1) TYPED OR PRINTED NAME (Last, First, Middle Initial) Heih, D.E.	(2) RANK/GRADE GSS	(3) SIGNATURE D.E. Heih	(4) DATE SIGNED 90 JUN 22
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3. STATEMENT OF ENROLLMENT

- a. I understand that if I remain enrolled in the GI Bill of 1984 that \$100 per month will be deducted from my basic pay for EACH of the first full 12 months of active duty and WILL NOT BE REFUNDED.
- b. I must complete three years of service before I am entitled to \$300 per month for 36 months (\$250 per month for 36 months, if I have a two year obligation).
- c. I must complete two years of active duty service and join the Selected Reserve for a minimum four year service agreement before I am entitled to \$300 per month for 36 months.
- d. If a non-high school graduate, I must complete all requirements for a high school diploma (or an equivalency certificate) before completion of my initial tour in order to qualify for the GI Bill of 1984.
- e. I must use my benefits within 10 years of my separation or discharge from active duty for the entitlement in paragraph 3b or complete my Selected Reserve obligation for the entitlement in paragraph 3c.
- f. I must receive an honorable discharge for service which established entitlement to the GI Bill of 1984.

g. SERVICE MEMBER

(1) TYPED OR PRINTED NAME (Last, First, Middle Initial)	(2) RANK/GRADE	(3) SIGNATURE	(4) DATE SIGNED
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n. WITNESSING OFFICIAL

(1) TYPED OR PRINTED NAME (Last, First, Middle Initial)	(2) RANK/GRADE	(3) SIGNATURE	(4) DATE SIGNED
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4. STATEMENT OF DISENROLLMENT

I do not desire to participate in the GI Bill of 1984. I understand that the option to enroll WILL NOT be available to me at a later date.

a. SERVICE MEMBER

(1) TYPED OR PRINTED NAME (Last, First, Middle Initial) [REDACTED]	(2) RANK/GRADE ENS	(3) SIGNATURE [REDACTED]	(4) DATE SIGNED 90 JUN 22
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b. WITNESSING OFFICIAL

(1) TYPED OR PRINTED NAME (Last, First, Middle Initial) Heih, D.E.	(2) RANK/GRADE GSS	(3) SIGNATURE D.E. Heih	(4) DATE SIGNED 90 JUN 22
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5. SERVICE UNIQUE EDUCATION ASSISTANCE OPTIONS

If I remain enrolled in the GI Bill of 1984, I may be eligible for additional educational assistance based on my military specialty and/or years of service as shown below.

ANY ALTERATIONS IN SHADED
AREAS RENDER FORM VOID

SPECIAL ADDITIONAL INFORMATION (For use by authorized agencies only)		
23. TYPE OF SEPARATION DISCHARGED	24. CHARACTER OF SERVICE (include upgrades) HONORABLE	
25. SEPARATION AUTHORITY HOPKINSMAN 3-111111-2A-111	26. SEPARATION CODE K01	27. REENTRY CODE RE-2
28. NARRATIVE REASON FOR SEPARATION TO ACCEPT COMMISSION AS OFFICER IN THE USMR		
29. DATES OF TIME LOST DURING THIS PERIOD 11-1-11111		30. MEMBER REQUESTS COPIES STATE

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- BLOCK 6:** Date for computing service for basic pay (DODPM Part 1, Chap 1).
- 9:** This date is used for computing special pay for Dental officers and is also used in conjunction with establishing the HPPED in the case of Medical officers (DODPM Part 1, Chap 5).
- 17:** The letter 'Y' indicates over 4 years of active enlisted service. A slash '/' indicates 4 or less than 4 years of active enlisted service (DODPM 10105).

1992-1993

DATE COMPILED:

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EMPRS Duplicate Copy

ADMINISTRATIVE REMARKS

NAVPERS 1070/613 (Rev. 1-76)

S/N 0106-LF-010-8990

SEE BUPERSMAN 3010420

SHIP OR STATION

COMMANDING OFFICER, NAVCRUITDIST MEMPHIS, MEMPHIS, TN 38104-2102

08DEC89 : Enlisted this date in the Naval Reserves in the special enlisted rate of OCP02/E5/1395, to serve for a period of 8 years. Issued orders to report to the Commander, Aviation Schools Command, Pensacola, FL for active duty on 28 February 1989.

AUTHORITY: CNRC PORT PRINTOUT #404086279

DTD 29NOV89

HOME OF RECORD: 4275 MEREDITH ROAD, PADUCAH, KY 42001

By direction

08DEC89 : I understand that I will be authorized to ship household goods of up to 400 lbs. net weight to Pensacola, FL as a temporary duty allowance.

SIGNATURE OF ENLISTEE

G. M. THARPE, LT/USN
ENLISTING OFFICER

08DEC89 : Evidence of degree sighted this date. Received B.S. Degree in Construction Technology from Murray State University 13 MAY 89.

By direction

NAME (Last, First, Middle)
EDWARDS, SHAWN THOMAS

SSN
END NO FORM
TUT NO 0017

BRANCH AND CLASS
USNR

U.S. Government Printing Office: 1981-753-106/9427 2-1

ANNEX A TO DD FORM 4 DATED 08DEC89

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